

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ZACHARY SHAMSHOVICH,

Plaintiff(s),

-against-

**INITIAL CONFERENCE  
ORDER**  
CV 13-6805 (JS) (GRB)

FASTRACK HEALTHCARE SYSTEMS, INC.,

Defendant(s).

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**BROWN, Magistrate Judge:**

**Conference Date:** **January 23, 2014 at 2:00 PM** in Courtroom 840, United States Federal Courthouse, Central Islip, New York. The parties are directed to confirm the date and time of this conference with each other. Any request to adjourn this conference must be electronically filed as a “MOTION” and must include proposed alternative dates acceptable to all parties.

The above-captioned case has been referred to United States Magistrate Judge Gary R. Brown for purposes of scheduling discovery, resolution of discovery disputes, settlement conferences, and any other purpose set forth at 28 U.S.C. §636 (b)(1)(A). Each party who is proceeding pro se (without an attorney), and counsel for each represented party, must appear in person for an initial conference at the date and time indicated above. Prior to this conference, all counsel and/or pro se parties are expected to be familiar with the Federal Rules of Civil Procedure concerning discovery, *see generally*, Fed. R. Civ. P. Rules 16 & 26-37, the Local Rules of this Court, *see generally*, Loc. Civ. R. 5.2-37.3, and the Individual Rules of the undersigned attached to this order. It is the undersigned’s intention to oversee discovery in this matter consistent with all relevant rules, and particularly in accordance with the Federal Rules’ instruction that the rules “should be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1.

**Rule 26(f) requires that the parties to meet and confer prior to the Initial Conference, and to prepare a proposed discovery plan.** To assist the parties, the Court has attached a “Discovery Plan Worksheet” that must be completed prior to, and presented at, the Initial Conference. The Worksheet provides a final date, set by the Court, for completion of discovery. The parties are encouraged to establish interim deadlines that realistically meet the needs of this specific case, and may also include additional deadlines, if appropriate. The parties should discuss their discovery needs thoroughly and realistically in advance of the Initial Conference so that the Court may adopt a realistic schedule in conjunction with the assigned District Judge’s Rules. **The parties are advised that once a Scheduling Order has been entered with the parties’ input, the discovery deadlines will be enforced and amended only upon a showing of good cause.** The Scheduling Order issued by the Court will set additional

dates, including dates for motions to amend the pleadings, a status conference, a settlement conference at the close of discovery, and the commencement of dispositive motion practice.

In addition, the parties should reach an agreement relating to whether there will be production of electronically stored information (“ESI”), and if so, the procedures to be used and the form(s) in which such discovery is to be produced. *See* Fed. R. Civ. P. 26(f)(3)(C).

Dated: Central Islip, New York  
December 19, 2013

**SO ORDERED:**

/s/ Gary R. Brown  
GARY R. BROWN  
United States Magistrate Judge

## **DISCOVERY PLAN WORKSHEET**

### **Phase I (Pre-Settlement Discovery)**

Deadline for completion of Rule 26(a) initial disclosures  
and HIPAA-complaint records authorizations:

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Completion date for Phase I Discovery  
as agreed upon by the parties:

*(Presumptively 60 days after Initial Conference)*

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### **Phase II Discovery and Motion Practice**

Motion to join new parties or amend the pleadings:

\_\_\_\_\_

First requests for production of documents  
and for interrogatories due by:

\_\_\_\_\_

All fact discovery completed by:

\_\_\_\_\_

Exchange of expert reports completed by:

\_\_\_\_\_

Expert depositions completed by:

\_\_\_\_\_

**COMPLETION OF ALL DISCOVERY BY:**

*(Note: Presumptively 9 months after Initial Conference.)*

**October 2, 2014**